

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TOM BROWN CONTRACTING, INC.,	)	
a Pennsylvania Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1171
	)	
WESTPORT INSURANCE CORPORATION,	)	Judge Conti
	)	Magistrate Judge Hay
Defendant.	)	
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WESTPORT INSURANCE CORPORATION,	)	
	)	
Counter-Claimant,	)	
	)	
v.	)	
	)	
TOM BROWN CONTRACTING, INC.,	)	
	)	
Counter-Defendant.	)	

**ORDER**

AND NOW, this 28th day of March, 2007, after the plaintiff, Tom Brown Contracting, Inc., filed a Motion to Alter Judgment Pursuant to Rule 59 (e), and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED that the Motion to Alter Judgment Pursuant to Rule 59(e) is DENIED.

IT IS FINALLY ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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